

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICARDO BARRAZA VIZCARRA,

Defendant.

CASE NO. CR20-0136-JCC

ORDER

This matter comes before the Court on Defendant's motion to proceed with a plea hearing by video or teleconference (Dkt. No. 186). Having thoroughly considered the motion and the relevant record, the Court hereby GRANTS the motion for the reasons explained herein.

On September 17, 2020, Defendant pleaded not guilty to the charges contained in the Superseding Indictment of Possession of Methamphetamine with Intent to Distribute (Count 8) and Possession of Methamphetamine, Heroin, and Fentanyl with Intent to Distribute (Count 9). (*See* Dkt. Nos. 72, 89.) The parties have since reached a plea agreement, whereby Defendant will enter a plea of guilty to Possession of Methamphetamine, Heroin and Fentanyl, a lesser-included offense of that charged in Count 9 of the Superseding Indictment. (*See* Dkt. Nos. 72, 189.) Defendant now moves for a change of plea hearing, seeking to enter a plea consistent with the agreement, but to do so remotely by video or teleconference in light of the impact of the COVID-19 pandemic on this Court's in-person operations. (Dkt. No. 186.)

1 Because of the health risks posed by the COVID-19 pandemic, the Court may conduct a
2 felony plea hearing by video or teleconference if a defendant consents and the Court finds that
3 the plea hearing cannot be further delayed without serious harm to the interests of justice. *See*
4 Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pub. L. No. 116-136,
5 §§ 15002(b)(2)(A), (b)(4), 134 Stat. 281, 528–29 (2020); W.D. Wash. General Order Nos. 14-21
6 (Dec. 22, 2021), 04-20 (March 30, 2020).

7 Here, Defendant has a strong interest in the speedy resolution of this matter and, based on
8 the current uptick in COVID-19 cases, it is not clear when the Court will resume in-person
9 proceedings. *See* W.D. Wash. General Order No. 16-21 at 1 (Dec. 30, 2021). As a result, the
10 Court FINDS that unnecessarily delaying Defendant’s change of plea hearing further would
11 cause serious harm to the interests of justice.

12 For the foregoing reasons, the Court GRANTS Defendant’s motion to proceed with a
13 remote plea hearing (Dkt. No. 186). The Court ORDERS that Defendant’s guilty plea hearing be
14 set as soon as practicable before a Magistrate Judge and be conducted by video or telephonic
15 conference. A record of Defendant’s consent to proceed via remote hearing should be made at
16 that time.

17 DATED this 4th day of January 2022.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE